

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff(s),

v.

JEFF EDRINGTON,

Defendant(s).

Case No. 2:10-CV-362 JCM (PAL)

AMENDED ORDER

Presently before the court is defendant Jeff Edrington's motion for early termination of his supervision. (ECF No. 62). The government filed a response (ECF No. 64), to which defendant replied (ECF No. 65).¹

I. Background

On June 10, 2011, defendant was sentenced to 78 months in custody and lifetime supervised release pursuant to a guilty plea on one count of receipt of child pornography. (ECF No. 33). Defendant began his term of supervision in April 2017. He now moves to terminate that supervision. (ECF No. 40).

II. Legal Standard

Pursuant to 18 U.S.C. § 3583(e), the court may, after considering the factors set forth in 18 U.S.C. § 3553(a), terminate supervised release after one year "if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1). Those factors include, *inter alia*, "the nature and circumstances of the offense and the history and characteristics of the defendant" and "the kinds of sentence and the sentencing

¹ This amended order corrects an error appearing on page 1, line 15, of the original order and removes a conflicting sentence stating that defendant did not reply.

1 range established for the applicable category of offense committed by the applicable category of
 2 defendant.” 18 U.S.C. §§ 3553(a)(1), (4).

3 **III. Discussion**

4 Defendant argues that his supervision should be terminated because he has complied with
 5 all conditions, developed a prosocial support system, and been adequately deterred from future
 6 criminal activity. (ECF No. 62). Specifically, he also seeks termination so that he can receive a
 7 recommendation to enter a temple of the Church of Latter Day Saints, which he allegedly is not
 8 allowed to do while on supervised release.

9 Mere compliance with supervised release conditions, without more, is not enough to
 10 modify or terminate supervision. *United States v. Boozer*, No. 2:12-cv-00004-APG-EJY, 2019
 11 WL 7666537, at *1 (D. Nev. Oct. 1, 2019). While a defendant need not show undue hardship,
 12 changed circumstances, or even exceptionally good behavior to warrant termination, he must
 13 show that, on balance, the relevant sentencing factors weigh in favor of termination. *United*
 14 *States v. Ponce*, 22 F.4th 1045, 1047 (9th Cir. 2022). The relevant factors here are (1) the nature
 15 and circumstances of the offense and defendant, (2) deterrence of future criminal conduct, (3) the
 16 need to protect the public from future crimes, (4) providing the defendant with needed treatment
 17 and services, (5) other kinds of sentences available, (6) the pertinent sentencing commission
 18 policy statements, (7) the need to avoid sentencing disparities, and (8) defendant’s restitution
 19 obligations.

20 Defendant’s circumstances present a difficult conundrum. On one hand, you have a
 21 defendant who committed a grave offense—possessing and consuming child pornography. On
 22 the other, you also have a defendant that has taken serious and substantial steps to rehabilitate
 23 himself after his release from custody.

24 While in custody, he completed various vocational and certificate programs. Since his
 25 release, he has been deeply involved as a member of the Church of Latter Day Saints. He
 26 currently leads pornography addiction recovery meetings weekly and several members have
 27 written letters to the court to describe how meaningful is leadership is. *See* (ECF No. 62). These
 28

1 meetings supplement his supervision-mandated therapy sessions. Further, he has no record of
2 any violations over the course of his six-year supervision.

3 While the court credits him for this progress, it cannot turn a blind eye to the full reality
4 of defendant's situation. Defendant is currently the caretaker for his elderly mother. He lives
5 alone with her. He does not work. Conditions like those present a prime opportunity for him to
6 reoffend considering his original crime was committed under similar circumstances—in private
7 and through the use of a computer.

8 Bearing in mind the relevant factors, while close, the court is not persuaded that
9 termination is warranted yet. Defendant has clearly made progress toward rehabilitation and
10 built some level of prosocial support system, and the court stresses again that there is no
11 evidence of any previous violations.

12 However, every other relevant factor tends to weigh against termination. Defendant's
13 crime was a grave one, and the weighty punishment levied by the court recognizes the
14 seriousness of the offense. While he may not be receiving significant services from probation,
15 he is still receiving some (his mandated therapy).

16 Moreover, the court cannot ignore the high recidivism rates amongst child sex offenders.
17 *See United States v. Pugh*, 515 F.3d 1179, 1201 (11th Cir. 2008). While that alone cannot be the
18 determining factor, the court finds it particularly concerning given the fact that his current living
19 situation presents ample opportunity to reoffend. Thus, deterrence of future conduct and the
20 need to protect the public both weigh in favor of supervision.

21 In short, considering the factors above and the fact that defendant is not entitled to the
22 *Guide to Judiciary Policy*'s presumption in favor of termination, the court is not convinced that
23 the relevant sentencing factors weigh in favor of termination at this time. This court enjoys
24 "broad discretion in determining whether to grant a motion to terminate supervised release,"
25 *United States v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014), and it exercises that discretion to
26 deny that motion here, without prejudice. Defendant may move to terminate his supervision
27 again in the future should the balance of the relevant factors meaningfully shift.

28 **IV. Conclusion**

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion for early termination (ECF No. 62) be, and the same hereby is, DENIED.

James C. Mahan
UNITED STATES DISTRICT JUDGE